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From: Igor Litvak <Igor@LitvakLawNY.com>

Sent: Tuesday, May 31, 2022 10:06:15 PM

To: Laura Harris <lharris@kslaw.com>; Paul Weeks <PWeeks@KSLAW.com>; Luke Roniger <LRoniger@KSLAW.com>

Cc: Andrew Michaelson <amichaelson@kslaw.com>; Sumon Dantiki <sdantiki@kslaw.com>; Matthew Bush <mbush@kslaw.com>

Subject: Re: Rule 26(f) Report

Your proposed changes are fine. Thanks.

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From: Laura Harris <lharris@kslaw.com>

Sent: Tuesday, May 31, 2022 9:09 PM

To: Igor Litvak <Igor@LitvakLawNY.com>; Paul Weeks <PWeeks@KSLAW.com>; Luke Roniger <LRoniger@KSLAW.com>

Cc: Andrew Michaelson <amichaelson@kslaw.com>; Sumon Dantiki <sdantiki@kslaw.com>; Matthew Bush <mbush@kslaw.com>

Subject: RE: Rule 26(f) Report

Thank you, Igor. I think we are close, but your revisions to Section C are not consistent with where we thought we left our discussion. We think it is important that both sides have the same obligations with respect to production format and preservation. In the interests of getting to an agreement, please let us know if you consent to the language below. If so, we will get this on file.

Proposed Language for Section C:

The parties anticipate that the scope of discovery will include Electronically Stored Information ("ESI"). The parties will request ESI in the form or forms that facilitate efficient review of ESI. The parties reserve all rights in this regard, but affirm their obligations under the Federal Rules of Civil Procedure, including as to the preservation of relevant evidence.

Thank you,
Laura

Laura Harris
Partner